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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,390	07/31/2001	Meng-Jaw Cherng	JCLA4757-CIP	4405

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EXAMINER

MALDONADO, JULIO J

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/920,390	CHERNG ET AL.
	Examiner	Art Unit
	Julio J. Maldonado	2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 March 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 2-3, filed 05/16/2003, with respect to the rejection(s) of claim(s) 1-19 under U.S.C. 35 §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jang et al. (U.S. 6,200,875 B1) in view of Jeong (U.S. 5,960,310).

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/06/2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (6,200,875 B1) in view of Jeong (U.S. 5,960,310).

In reference to claims 1, 6, 12 and 15, Jang et al. (Figs.1-7) in a related method to form contact plugs (40) teach providing a semiconductor device having a first and second gates (20) over a substrate (10), wherein the said first and second gates (20) have sidewall spacers; forming a silicon oxide layer (30) over the semiconductor device; patterning the oxide layer (30) without planarizing it, to form a self-aligned contact window (35) that exposes a surface of the substrate (10) between the said first and second gates (20), wherein a dimension of the contact window (35) at a top is greater than a distance between the sidewall spacers of the first second gates (20); forming a polysilicon layer (38) over the dielectric layer (30) and filling the self-aligned contact window (35); removing a portion of the polysilicon layer (38) lying above the dielectric layer (30); and removing a portion of the dielectric layer (30) so that the contact plug (40) is formed inside the self-aligned contact window (35) (column 3, line 48 – column 5, line 27).

Jang et al. fail to teach forming a silicon nitride liner layer prior to deposit a dielectric layer and patterning the dielectric and liner layer without planarizing the dielectric layer to form a contact window. However, Jeong (Figs.4A-4G) in a related method to form contact plugs teaches forming a dielectric liner layer (77) prior to deposit a dielectric layer (79, 81) and patterning the dielectric (79, 81) and liner layer (77) without planarizing the dielectric layer (79, 81) to form a contact window (82). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form a dielectric liner layer followed by depositing a dielectric layer as taught by Jeong in the contact plug method of Jang et al., since the liner layer

can be used as a polishing stop, accurately ending the polishing step (column 1, lines 53-57).

In reference to claims 2-5, 7-11, 13, 14 and 16-19, Jang et al. in combination with Jeong teach the dielectric liner layer comprising silicon nitride (see Jeong, column 6, lines 35-40); the dielectric layer comprising silicon oxide with a thickness of between 5,000Å to 10,000Å (Jang et al., column 3, lines 18 – 22), where the dielectric layer comprises a dielectric layer with a good gap-filling capability and a dielectric passivation layer (Jeong, column 6, lines 41-65); and removing the portion of the polysilicon above the dielectric layer includes chemical-mechanical polishing (Jang et al., column 3, lines 47 – 56 and Jeong, column 7, lines 21 – 51). Jang et al. in combination with Jeong fail to teach the dielectric layer having a thickness of about 10,000Å to 15,000Å. However, in the case where the claimed ranges “overlap or lie inside ranges disclosed by the prior art” a *prima facie* case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed.Cir. 1990). See MPEP 2144.05. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the range recited by Jang et al. to arrive at the claimed invention.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Papers related to this application may be submitted directly to Art Unit 2823 by facsimile transmission. Papers should be faxed to Art Unit 2823 via the Art Unit 2823 Fax Center located in Crystal Plaza 4, room 3C23. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2823 Fax Center number is **(703) 305-3432**. The Art Unit 2823 Fax Center is to be used only for papers related to Art Unit 2823 applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Julio J. Maldonado** at **(703) 306-0098** and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via [julio.maldonado@uspto.gov](mailto:julio.maldonado@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (703) 306-2794.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 Receptionist** at **(703) 308-0956**.

*gmr*  
JMR

7/25/03

*George Fourson*  
George Fourson  
Primary Examiner